

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

APR 03 2019

UNITED STATES OF AMERICA
v.
ALEXANDER NATHAN BARTER

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§

No. 9:18CR42
Judge Clark

BY
DEPUTY _____

FIRST SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. §§ 1201(a)(1), (d),
(g) and 2 (Attempted Kidnapping,
Aiding and Abetting)

Between on or about October 9, 2018, and on or about October 19, 2018, in the Eastern District of Texas, and elsewhere, **Alexander Nathan Barter**, defendant, did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away, and did attempt to seize, confine, inveigle, decoy, kidnap, abduct, and carry away, an individual who he believed to be a minor who had not attained the age of 18 using any means, facility, and instrumentality of interstate and foreign commerce in committing and in furtherance of the commission of the offense, and did hold and attempt to hold the minor for ransom, reward, and other benefit, while **Alexander Nathan Barter** was over the age of 18 years old and had no legal custody of and familial relationship with the minor, and aided and abetted to do the same.

In violation of 18 U.S.C. §§ 1201(a)(1), (d), (g) and 2.

Count Two

Violation: 18 U.S.C. § 2422(a)
(Attempted Coercion and Enticement)

Between on or about October 9, 2018, and on or about October 19, 2018, in the Eastern District of Texas, and elsewhere, **Alexander Nathan Barter**, defendant, did knowingly persuade, induce, entice, and coerce, and did knowingly attempt to persuade, induce, entice, and coerce, any individual to travel in interstate commerce to engage in prostitution and any sexual activity for which any person could be charged with an offense. Specifically, **Alexander Nathan Barter**, did knowingly attempt to persuade, induce, entice, and coerce an individual known to the Grand Jury to travel in interstate commerce with a minor less than 18 years old to engage in sexual conduct in violation of Texas Penal Law Section 22.021.

In violation of 18 U.S.C. § 2422(a).

Count Three

Violation: 18 U.S.C. §§ 2252A(a)(2)(A)
and (b)(1) (Receipt of Child
Pornography)

On or about October 5, 2017, in the Eastern District of Texas, **Alexander Nathan Barter**, defendant, did knowingly receive any child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer. Specifically, the defendant, **Alexander Nathan Barter**, using a messaging

application, the Internet, and digital devices he owned and possessed, received the following visual depictions:

| FILE IDENTIFIER | DESCRIPTION |
|--------------------------------------|---|
| abdc8ada-f3fd-43df-a414-60921a4f50f5 | This 7-second video depicts a prepubescent female in a bathtub and performing oral sex on an adult male's erect penis. |
| b3c82a22-63a2-4b3c-b22c-4a4b32ef9590 | This 1-minute 6-second video depicts a prepubescent female kneeling on the ground and performing oral sex on an adult male's erect penis. |

In violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

Count Four

Violation: 18 U.S.C. §§ 2252A(a)(2)(A)
and (b)(1) (Distribution of Child
Pornography and Attempt)

On or about October 14, 2017, in the Eastern District of Texas, **Alexander Nathan Barter**, defendant, did knowingly distribute and did knowingly attempt to distribute any child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer. Specifically, the defendant, **Alexander Nathan Barter**, using a messaging application, the Internet, and digital devices he owned and possessed, distributed and attempted to distribute a video file, known to the Grand Jury, that had been split into three two-minute segments:

| FILENAME | FILE IDENTIFIER | DESCRIPTION |
|----------|--------------------------------------|---|
| D-1.MP4 | 9dbaa4dd-d49b-41da-86ce-9eed2296da53 | This video depicts an adult female rubbing ice on the |

| | | |
|---------|--------------------------------------|---|
| | | genitals and nipples of a prepubescent female, while the child cries. |
| D-2.MP4 | 7d965f83-d052-4e60-87ce-4a8236b02aef | This video depicts the adult female tying the prepubescent female's feet to a rod, hanging the child vertically by the feet, applying clothes-pins to the prepubescent female's nipples and vagina, and repeatedly slapping the child's vagina while she cries. |
| D-3.MP4 | 3e5ddc6d-7704-44f5-a7f5-f48fbb43b2b5 | This video depicts the adult female continuing to slap and apply ice to the prepubescent female's genitals, tying the child's hands to the same rod that is binding her feet, then suspending the prepubescent female by the feet while dripping hot candle wax over the child's body and genitals. |

In violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

Count Five

Violation: 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1) (Distribution of Child Pornography and Attempt)

On or about October 4, 2017, in the Eastern District of Texas, **Alexander Nathan Barter**, defendant, did knowingly distribute and did knowingly attempt to distribute any child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer. Specifically, the defendant,

Alexander Nathan Barter, using a messaging application, the Internet, and digital devices he owned and possessed, distributed and attempted to distribute images and videos depicting the same prepubescent female, including the following visual depiction:

| FILE IDENTIFIER | DESCRIPTION |
|--------------------------------------|---|
| 59bb5aa9-fd67-4cdb-aa53-9b77f19cc18f | This video depicts a nude prepubescent female performing oral sex on a dog's erect penis. |

In violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Upon conviction of the offense alleged in this Indictment, the defendant,

Alexander Nathan Barter, shall forfeit to the United States his interest in the following property, including, but not limited to:

1. RCA tablet computer, bearing FCCID #ACHRCT6873W and containing a 32GB micro SD card
2. Apple iPod Touch 6G, bearing serial number CCQSI15BGGNJ
3. Alcatel A382G cellular phone, bearing IMEI #013090004955676
4. Apple TV, bearing serial number YM52208MRHR
5. HP computer tower, bearing serial number MXX6020
6. Atmos tablet, bearing serial number HKL44BJY
7. Blackberry cellular phone, bearing serial number 237B31721FB1
8. UT Starcom cellular phone, bearing serial number E0646004788
9. Toshiba 500GB external hard drive, bearing serial number 84VV6TF53T1FB
10. Apple iPad, bearing serial number GB048V2KA90
11. 16GB multimedia card
12. Toshiba 4GB SD card
13. Cruzer 4GB thumbdrive
14. 4 floppy discs
15. 18 CD/DVD discs
16. 16GB micro SD card with adapter
17. 8GB SD card
18. 4GB SD card

19. SanDisk 4GB memory stick
20. Unknown and unmarked flash drive
21. White MacBook laptop
22. Internal hard drive, model 92028901
23. Western Digital computer hard drive, bearing serial number WCAJ92196858
24. Computer hard drive, bearing serial number WCAK72233951
25. Computer hard drive, bearing serial number 638690379
26. Computer hard drive, bearing serial number WMAD16236178
27. Computer hard drive, bearing serial number WMAV33122185
28. Maxtor computer hard drive, bearing serial number K802TPTA
29. Fujitsu computer hard drive, bearing serial number 01233287
30. Hitachi computer hard drive, bearing serial number S7TOV4VM
31. Seagate computer hard drive, bearing serial number 4LHOJ1GB
32. Computer hard drive, bearing serial number WCAV2V675743
33. Western Digital computer hard drive, bearing serial number WCAJF1201317
34. Western Digital computer hard drive, bearing serial number WT3871782925
35. Computer hard drive, bearing serial number 7CN03CWM
36. Maxtor computer hard drive, bearing serial number T2LE4DSC
37. Unknown and unmarked flash drive with a green circuit board
38. 1 CD
39. 6 DVD discs

This property is forfeitable pursuant to 18 U.S.C. §§ 2253(a)(1) and (a)(3), and 18

U.S.C. §§ 2428(a)(1) and 2428(b)(1)(A) based upon the property being:

- (1) any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of a violation of 18 U.S.C. § 2422(b), 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1), and 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2);

By virtue of the commission of the offense alleged in this Indictment, any and all interest the defendant has in this property is vested in and forfeited to the United States pursuant

to 18 U.S.C. §§ 2253(a)(1) and (a)(3), 18 U.S.C. §§ 2428(a)(1), 2428(b)(1)(A), and 28 U.S.C. § 2461(c).

A TRUE BILL

AF
GRAND JURY FOREPERSON

JOSEPH D. BROWN
UNITED STATES ATTORNEY

Marisa J. Miller
MARISA J. MILLER
Assistant United States Attorney

Date: 4/3/19

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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. §§ 1201(a)(1), (d) and (g)

Penalty: Imprisonment for not more than twenty years; a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

Special Assessment: \$ 100.00

Count Two

Violation: 18 U.S.C. § 2422(a)

Penalty: Imprisonment for not more than twenty years; a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

Special Assessment: \$ 100.00

Counts Three, Four, and Five

Violation: 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1)

Penalty: Imprisonment for not less than five years and not more than twenty years; but if the defendant has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any

State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography or sex trafficking of children, such person shall be imprisoned for not less than fifteen years and not more than forty years; a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

Special Assessment: \$ 100.00